IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.APPLICATION NO.405 OF 2007
IN
CRI.APPEAL NO.336 OF 2007

1. Rajendra @ Appa Dagdu Atpale
2. Sukhdeo @ Bipin Dagdu Atpale ..Applicants

Vs.

The State of Maharashtra ..Respondent

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Mr.A.P.Mundargi counsel with Mr.Ganesh Gole
Advocate for Applicants
Mrs.V.R.Bhosale APP for the State

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**CORAM: R.M.S.KHANDEPARKAR, AND
SMT.V.K.TAHILRAMANI, JJ.**

DATE : JULY 20, 2007

P.C. [PER SMT.V.K.TAHILRAMANI,J.]:

1. Heard the learned counsel for the applicants and the learned APP for the State.

2. The applicants have been convicted under Section 302 of IPC. The applicants are now seeking

bail.

3. The case of the prosecution is that on account of raising platform and throwing debris infront of the house of the deceased, there was altercation between the deceased and the applicants. During the course of sudden quarrel, the applicant assaulted the deceased with fist and kick blows.

4. Mr.Mundargi, the learned counsel submitted that no weapons were used by the applicants and the incident occurred on account of sudden quarrel. He submitted that the action of the applicants does not indicate in any manner that there was intention on the part of the applicants to cause death of Sandeep nor was there any knowledge on their part that the action would result in the death of Sandeep. We find much merit in this submission. Moreover, the applicants were on bail during the trial and they have not misused the liberty granted to them. Hence, we are inclined to grant bail to the applicants.

5. Applicant No.1-Rajendra @ Appa Dagdu Atpale and applicant No.2-Sukhdeo @ Bipin Dagdu Atpale be

released on bail in the sum of Rs.30,000/- (Rs. thirty thousand only) each with one or two sureties to make up the said amount. The applicants shall report to Kandivali Police Station once in a month i.e. on 1st Monday of every month till disposal of the appeal.

6. Application is allowed and is disposed of.

[R.M.S.KHANDEPARKAR, J.]

[SMT.V.K.TAHILRAMANI,J.]